

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 28
Committee Substitute Favorable 2/7/23
PROPOSED COMMITTEE SUBSTITUTE H28-PCS10412-CCa-2

Short Title: NC Managing Environmental Waste Act of 2023.

(Public)

Sponsors:

Referred to:

January 31, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE AND BETTER MANAGE THE DISPOSAL OF SINGLE-USE
3 WASTE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 143-58.2 reads as rewritten:

6 "§ 143-58.2. State policy; bid procedures and specifications; identification of products.

7 (a) It is the policy of this State to encourage and promote the purchase of products with
8 recycled content. All State departments, institutions, agencies, community colleges, and local
9 school administrative units shall, to the extent economically practicable, purchase and use, or
10 require the purchase and use of, products with recycled content.

11 (a1) It is the policy of this State that all State departments, institutions, agencies,
12 community colleges, and local school administrative units shall, to the extent economically
13 practicable, purchase and use, or require the purchase and use of, materials and supplies with
14 compostable or recyclable content in food establishments operated under the auspices of the
15 department, institution, agency, community college, and local school administrative unit.

16 (b) ~~No later than January 1, 1995, the~~ The Secretary of Administration and each State
17 department, institution, agency, community college, and local school administrative unit
18 authorized to purchase materials and supplies or to contract for services shall review and revise
19 its bid procedures and specifications for the purchase or use of materials and supplies to eliminate
20 any procedures and specifications that explicitly discriminate against materials and supplies with
21 recycled content, except where procedures and specifications are necessary to protect the health,
22 safety, and welfare of the citizens of this State.

23 ...

24 (d) The Department of Administration, in cooperation with the Division of
25 Environmental Assistance and ~~Outreach~~ Customer Service of the Department of Environmental
26 Quality, shall identify materials and supplies with recycled content that meet appropriate
27 standards for use by State departments, institutions, agencies, community colleges, and local
28 school administrative units.

29 ...

30 (i) On or before October 1 of each year, each State department, institution, agency,
31 community college, and local school administrative unit authorized to purchase materials and
32 supplies shall report to the Division of Environmental Assistance and Customer Service of the
33 Department of Environmental Quality the amounts and types of materials and supplies with
34 compostable and recycled content that were purchased during the previous fiscal year."

35 SECTION 1.(b) G.S. 130A-309.14 is amended by adding a new subsection to read:



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1 "(n) On or before October 1 of each year, each State department, institution, agency,
2 community college, and local school administrative unit shall report to the Division of
3 Environmental Assistance and Customer Service of the Department of Environmental Quality
4 the amounts and types of materials collected for recycling within the department, institution,
5 agency, community college, and local school administrative unit."

6 **SECTION 1.(c)** G.S. 130A-309.06(c) reads as rewritten:

7 "(c) The Department shall report to the Environmental Review ~~Commission~~Commission,
8 the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division
9 on or before April 15 of each year on the status of solid waste management efforts in the State.
10 The report shall include:

11 ...

12 (21) A summary of the reports by each State department, institution, agency,
13 community college, and local school administrative unit authorized to
14 purchase materials and supplies detailing the amounts and types of materials
15 and supplies with compostable and recycled content that were purchased
16 during the previous fiscal year, as required by G.S. 143-58.2(i).

17 (22) A summary of the reports by each State department, institution, agency,
18 community college, and local school administrative unit detailing the amounts
19 and types of materials collected for recycling during the previous fiscal year
20 within the department, institution, agency, community college, and local
21 school administrative unit, as required by G.S. 130A-309.14(n)."

22 **SECTION 2.** The North Carolina Policy Collaboratory (Collaboratory) at the
23 University of North Carolina at Chapel Hill shall study the issue of food service ware. In
24 conducting this study, the Collaboratory shall examine all of the following matters:

- 25 (1) The environmental impacts of plastics pollution.
- 26 (2) The State's current requirements for plastics recycling.
- 27 (3) Estimates of the proportionate volume of plastics recycled versus plastics
28 disposed of in landfills in the State.
- 29 (4) Recycling markets and available information on the fate of plastics collected
30 for recycling in the State, including data on plastics used as feedstock for
31 in-State recycling and national and international markets.
- 32 (5) Pending and enacted legislation in other states to regulate food service ware,
33 including bans on specific types of food service ware.
- 34 (6) The impact that bans on specific types of food service ware have had on people
35 with disabilities.
- 36 (7) Current private sector initiatives to reduce plastics pollution and additional
37 financial and market tools that may be employed by private sector interests
38 for this purpose.
- 39 (8) Alternatives to the use of food service ware for serving or transporting food
40 and beverages.
- 41 (9) New technologies for plastics recycling and waste reduction.
- 42 (10) Any other issue the Collaboratory deems relevant.

43 In conducting the study, the Collaboratory shall consult with stakeholders, including
44 the Department of Environmental Quality, the Department of Health and Human Services, the
45 Department of Administration, representatives of the environmental community, the North
46 Carolina Retail Merchants Association, and the North Carolina Beverage Association. The
47 Collaboratory shall report its findings and recommendations, including any legislative proposals,
48 to the 2024 Regular Session of the 2023 General Assembly upon its convening.

49 **SECTION 3.(a)** The Legislative Services Officer shall evaluate all opportunities to
50 reduce the use of food service ware in food establishments and beverage services operated by the
51 General Assembly and implement such measures at the earliest date that (i) does not result in

1 disposal prior to use of food service ware already procured on the date this act becomes law and
2 (ii) does not impair contracts for purchase of such food service ware in effect on the date this act
3 becomes law. As used in this section, the term "beverage services" includes the provision of
4 coffee, water, and other beverages in committee meetings and the legislative chambers. The
5 Legislative Services Officer shall issue a preliminary report on the implementation of the
6 requirements of this section, including any additional costs associated with replacing food service
7 ware with compostable or recyclable materials, to the Environmental Review Commission no
8 later than September 1, 2023, and shall provide a final report to the Commission no later than
9 March 1, 2024.

10 **SECTION 3.(b)** The Department of Natural and Cultural Resources shall implement
11 a pilot program to eliminate the sale or provision of food or beverages in or with food service
12 ware. In implementing this pilot, the Department shall identify five facilities operated by the
13 Department to implement measures to eliminate food service ware at the earliest possible date
14 that (i) does not result in disposal prior to use of food service ware already procured by the agency
15 on the date this act becomes law and (ii) does not impair contracts for purchase of such food
16 service ware in effect on the date this act becomes law. The Department shall issue a preliminary
17 report on the implementation of the requirements of this section, including any additional costs
18 associated with replacing food service ware with compostable or recyclable materials, to the
19 Environmental Review Commission no later than September 1, 2023, and shall provide a final
20 report to the Commission no later than March 1, 2024.

21 **SECTION 4.** For purposes of Sections 2 and 3 of this act, the term "food service
22 ware" means products, other than compostable or recyclable products, used by a food provider
23 that are designed for one-time use for serving or transporting prepared, ready-to-consume food
24 or beverages, including plates, cups, bowls, trays, utensils, straws, cup lids, and hinged or lidded
25 containers.

26 **SECTION 5.** The sum of fifty thousand dollars (\$50,000) in nonrecurring funds for
27 the 2023-2024 fiscal year is appropriated from the General Fund to the North Carolina Policy
28 Collaboratory to carry out the study required by Section 2 of this act.

29 **SECTION 6.** Section 5 of this act becomes effective July 1, 2023. The remainder of
30 this act is effective when it becomes law.